



General Assembly

January Session, 2007

Raised Bill No. 7173

LCO No. 4360

04360_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING TRANSFER OR ASSIGNMENT OF ASSETS
WITH RESPECT TO ELIGIBILITY FOR MEDICAID PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-261a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2007*):

3 [(a) Any transfer or assignment of assets resulting in the imposition
4 of a penalty period shall be presumed to be made with the intent, on
5 the part of the transferor or the transferee, to enable the transferor to
6 obtain or maintain eligibility for medical assistance. This presumption
7 may be rebutted only by clear and convincing evidence that the
8 transferor's eligibility or potential eligibility for medical assistance was
9 not a basis for the transfer or assignment.

10 (b) Any transfer or assignment of assets resulting in the
11 establishment or imposition of a penalty period shall create a debt, as
12 defined in section 36a-645, that shall be due and owing by the
13 transferor or transferee to the Department of Social Services in an
14 amount equal to the amount of the medical assistance provided to or
15 on behalf of the transferor on or after the date of the transfer of assets,

16 but said amount shall not exceed the fair market value of the assets at
17 the time of transfer. The Commissioner of Social Services, the
18 Commissioner of Administrative Services and the Attorney General
19 shall have the power or authority to seek administrative, legal or
20 equitable relief as provided by other statutes or by common law.]

21 [(c) The] (a) To the extent permitted by federal law, the
22 Commissioner of Social Services may waive the imposition of [a] any
23 penalty period relating to the transfer or assignment of assets when the
24 transferor (1) in accordance with the provisions of section 3025.25 of
25 the department's Uniform Policy Manual, suffers from dementia at the
26 time of application for medical assistance and cannot explain transfers
27 that would otherwise result in the imposition of a penalty period; or
28 (2) suffered from dementia at the time of the transfer; or (3) was
29 exploited into making such a transfer due to dementia. [Waiver of the
30 imposition of a penalty period does not prohibit the establishment of a
31 debt in accordance with subsection (b) of this section.]

32 [(d)] (b) The Commissioner of Social Services, pursuant to section
33 17b-10, shall implement the policies and procedures necessary to carry
34 out the provisions of this section while in the process of adopting such
35 policies and procedures in regulation form, provided notice of intent to
36 adopt regulations is published in the Connecticut Law Journal not later
37 than twenty days after implementation. Such policies and procedures
38 shall be valid until the time final regulations are effective.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2007	17b-261a
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Statement of Purpose:

To eliminate with respect to Medicaid eligibility determinations: (1) The presumption that transfers of assets, resulting in the imposition of a penalty period, are made with intent on the part of the transferor or transferee to obtain medical assistance; and (2) the establishment of a debt due and owing by the transferor or transferee to the Department

of Social Services in cases where the assignment or transfer of assets results in the imposition of a penalty period.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]